



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,879	09/22/2006	Gunner Sie	66722-094-7	4183

25269 7590 09/19/2008

DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER

LE, HUYEN D

ART UNIT	PAPER NUMBER
----------	--------------

2615

MAIL DATE	DELIVERY MODE
-----------	---------------

09/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,879	Applicant(s) SIE, GUNNER	
	Examiner HUYEN D. LE	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/22/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification does not disclose that the second part comprises a resilient rim along the gasket area as claimed in claim 4.

Double Patenting

2. Applicant is advised that should claims 7 and 9 be found allowable, claims 7 and 9 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claims 7 and 9 are duplicated.

Claim Rejections - 35 USC § 112

3. Claim 6 recites the limitations "the first part" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitations "the second part" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Saltykov (U.S. patent 7,245,733).

Regarding claim 1, Saltykov teaches a microphone with inlet structure comprising a sound duct (see the sound ports 108, 110 in the opening of the face plate 104) between an opening (132, 134, 136) in a first face (106) of a microphone casing (102) and a gasket area (figures 1, 2). As shown in figures 1 and 2, the gasket area (122) is shaped to extend around the opening in the microphone casing (102) and to follow the outline of the first face (106) at least in the area near the opening (132, 134, 136) as claimed.

Regarding claim 2, as shown in figure 1, the sound duct (108, 110) is shaped with a recess above the opening in the first face (106).

Regarding claim 3, Saltykov teaches an acoustic filter (138) that is arranged in the sound duct as claimed.

Regarding claim 6, as best understood with regarding 112, 2nd as mentioned above in paragraph 3, Saltykov shows the first part and the second part of the sound duct as claimed (figure 1).

Art Unit: 2615

Regarding claims 7 and 9, as shown in figures 1 and 2, the gasket area (122) is shaped to provide a packing in an axial direction in relation to the sound duct as claimed.

Regarding claim 8, as shown in figures 1 and 2, the gasket area (122) is shaped to provide a packing in a radial direction in relation to the sound duct as claimed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saltykov (U.S. patent 7,245,733) in view of Killion et al. (U.S. patent 6,151,399).

Regarding claim 4, Saltykov shows the sound duct which is provided by a first part and a second part, wherein the first part is adhered to the first face (106) of the microphone (102) and the second part is positioned adjacently to the first part and comprises a gasket (122) in the gasket area.

Saltykov does not specifically teach that the gasket (122) is a resilient rim as claimed. However, it is known in the art to provide a resilient material for the gasket in the microphone.

Killion et al. teaches a gasket (341, 342) made of resilient material (col. 11, lines 12-13) for sealing around the sound openings of the microphone assembly (315).

Art Unit: 2615

Therefore, it would have been obvious to one skilled in the art to provide the gasket (122) of Saltykov being made of resilient material for better sealing around the sound openings in the surface (106) of the microphone assembly.

Regarding claim 5, Saltykov teaches the sealing (the gasket 122) between face plate and the sound duct. Saltykov does not specifically teach that the sealing (122) is provided by cement. However, providing an adhesive material to cement the gasket to the surface of the microphone is known in the art.

Killion teaches an adhesive material for the gasket (col. 11, lines 59-62).

Therefore, it would have been obvious to one skilled in the art to provide the adhesive material, as taught by Killion, to cement the gasket (122) to the surface of the microphone (102) for better sealing the gasket to the surface of the microphone.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Killion (U.S. patent 5,878,147) teaches a gasket (170) that is provided with adhesive on both sides for providing a seal for microphone cartridges.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

Art Unit: 2615

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SUHAN NI can be reached on (571) 272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUYEN D. LE/
Primary Examiner, Art Unit 2615

HL
September 12, 2008